

Dieter Voigt
Appl. No. 10/500,341
Amdt. dated Oct. 4, 2007
Reply to Office Action of 07/09/2007

REMARKS/ARGUMENTS

In the Office Action, claim 19 was objected to because "switching piston" as best understood by the Examiner should be --switching piston means--.

Claims 10-21, 23, 25, 27, and 29-30 were rejected under 35 USC 102(a) as anticipated by Koch et al US 2002/0088225 A1.

Claim 24 was rejected under 35 USC 102(b) as being anticipated by Barber 5,921,279.

Claim 22 was rejected under 35 USC 103(a) as unpatentable over Koch et al US 2002/0088225.

Claim 25 was rejected under 35 USC 103(a) as unpatentable over Koch et al.

Claim 26 was rejected under 35 USC 103(a) as unpatentable over Koch et al in view of Snoy 4,275,607.

The claims have been amended to clarify the distinction of the structure and function of the claimed subject matter from the teachings of the cited art, thereby to overcome the foregoing rejections.

In Koch, there is a "plunger valve 104" (see paragraph [0030] to control the oil pressure of a propeller pitch controller of an aircraft (see paragraph [0003])), while a flyweight mechanism 120

controls the delivery-quantity of the oil pump (146) so that it is delivered virtually in a constant quantity.

This, however, is not the case with the present hydraulic pump (or oil pump), as is stated in the Summary of the invention. Therefore, the "delivery-quantity regulation means" comprises "a piston unit" as is now stated in claim 1.

Still more important is another difference: Present claim 10 recites "a first surface... to be biased... in a first direction". In Koch et al there are points 125-127 (para. [0031]) and, of course, oil "biases" the plunger member transversely to its moving direction. In the construction of the presently claimed subject matter, the piston is moveable in the first direction and opposite to said first direction, and is biased in those directions.

Now, only some words directed to the objects of the present invention of Voigt and the cited Koch: Voigt states clearly under "Background of the invention" that the delivery quantity has to be matched with the requirements of the internal combustion engine, and under the heading "Summary of the invention" is stated that the oil pressure should be minimized as a function of predefined operating values, or in other words: Voigt wants to minimize the pressure and the delivery quantity in dependence upon certain values, such as operating speed.

In contrast, Koch has special objects mentioned in paragraphs [0009] to [0013] which have nothing to do with minimizing oil pressure and/or quantity. Considering the above-mentioned difference in the wording of Voigt's claim 10, this claim is not only new, but also inventive.

A further indication to the non-obviousness of the Voigt invention is the fact that it has already been licensed to a major car company AUDI, who produces a new motor featuring the present hydraulic pump. Why? Reason is that Mr. Voigt, originally, thought that his pump could reduce consumption of gasoline by a bit. However, AUDI, when testing the pump found out that it reduces the consumption considerably!

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted
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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 4, 2007.

Dated: October 4, 2007

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